

REMARKS

This Amendment is in response to the Office Action dated September 14, 2004. Claims 41-50, 52-57 and 59-61 are pending in this case. Previously, claims 1-4, 51 and 58 were withdrawn from further consideration as being drawn to a non-elected species. Applicants note that original claims 51-59 have now been renumbered claims 53-61. By this Amendment, claims 57, 59, 60 and 61 have been amended to change the claim dependency based on the re-numbered claims. Applicants respectfully request reconsideration of all of the pending claims.

Claims 41-50, 52-57 and 59-61 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,277,139 to Levinson et al. ("the Levinson patent"). All of the currently pending claims include the recitation of at least one circumferential member. The Examiner relies on the embodiments shown in FIGS. 1 and 8a-8b of the Levinson patent in formulating the anticipation rejection. The Examiner has indicated that these embodiments include a circumferential member, designated by the reference numeral 6. However, Applicants strongly disagree with the Examiner's interpretation of the Levinson patent. Rather, Applicants submit that the component marked with the reference numeral 6 in the Levinson patent is not a circumferential member, in accordance with the present invention, but rather, merely a designation of the frustoconical frame structure formed by the plurality of frame struts 21, 23, 25 and 27 which form the expandable frame 20. This expandable frame 20 of FIGS. 1 and 8a-8b lacks any component that would constitute a circumferential member in accordance with the presently claimed invention. As is described in Applicants' specification and as is particularly shown in FIGS. 1 and 2 of the present application, in one aspect of the present invention, the circumferential member is shown as a circumferential ring-like component that is adapted to expand to contact the vessel wall when placed in its expanded position. The expandable frame 20 of the Levinson patent, on the other hand, utilizes linear struts having a bending region which allows the struts to bend outward when placed in the expanded position. However, these linear struts disclosed in the Levinson patent neither form nor function as circumferential members. Accordingly, for



at least this reason, the embodiments of the Levinson patent relied upon by the Examiner in rejecting the above-mentioned claims simply do not disclosed the presently claimed invention. Applicants respectfully request the Examiner to withdraw the Levinson patent as an anticipatory reference.

In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at (310) 824-5555 to facilitate prosecution of this application, if necessary.

In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

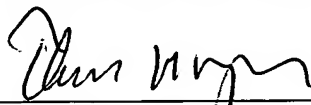
REQUEST FOR ONE-MONTH EXTENSION OF TIME

Applicants respectfully request a one-month extension of time to respond to the Office Action dated September 14, 2004, in the above-identified application.

The requisite fee of \$120.00 pursuant to 37 C.F.R. §1.136(a) is enclosed herewith. Please charge any additional fee or credit any overpayment to our Deposit Account No. 06-2425. A duplicate copy of this paper is enclosed.

Respectfully submitted,

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